



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-45A

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 in Board case 3.111.16. The proposed action is to suspend the licensed practice nurse's license after the nurse failed to submit to drug testing pursuant to a prior agreed order and then failed to appear at the Board hearing. The prior agreed order arose after the Board became aware of prior alcohol and drug crimes committed by the nurse. The nurse will have the opportunity to seek reinstatement.

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 enforce this requirement after the nurse declined to submit to drug testing. Suspending the nurse's license can protect patients from compromised nursing care until the nurse makes a satisfactory showing of no chemical dependence.

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", is written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA