



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-700A

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

November 16, 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 3.142.17. The proposed action is to grant the application for reinstatement of the license. The license will be immediately temporarily suspended pending the Board's review of an evaluation of the licensee. In addition, twice monthly body fluid testing will be required until the evaluation is reviewed, and a \$500 fine will be imposed. The licensee was charged in Arkansas in February 2015 with felony furnishing, possessing or using prohibited articles; misdemeanor possession of a controlled substance, Xanax; and misdemeanor possession of a controlled substance, Diazepam. The licensee pled guilty to the felony. In April 2016 the licensee applied to reinstate a licensed practical nurse license. The licensee denies suffering from substance abuse issues.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “is guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee” or is “guilty of unprofessional conduct,” 59 O.S.Supp.2016, § 567.8(B)(2), (7). When a nurse is convicted of a drug crime, their ability to provide safe patient care comes into question. The Board may reasonably believe that the disciplinary action, including evaluation for substance abuse, is necessary to ensure safe patient care.

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 by ensuring nursing care is not compromised by substance abuse.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA