



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-706A

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

November 21, 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 3.152.17. The proposed action is to require the licensee to submit to an evaluation to be reviewed by the Board, submit to twice monthly body fluid tests, and complete a course in nursing law. In addition, the license will be reprimanded, and a \$500 fine will be imposed. In 2012 the licensee was arrested for driving under the influence of alcohol and speeding which charges were subsequently amended to careless driving. In 2014 the licensee was charged with public intoxication.

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 has a history of crimes involving alcohol, their ability to provide safe patient care is called into question. The Board may reasonably believe that the disciplinary action, including an 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