



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-52A

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

January 28, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken under the auspices of the Oklahoma Board of Nursing pursuant to a consent agreement in Board case 6.008.16. The proposed action is to accept the voluntary surrender of the license for two years and then require compliance with Board reinstatement guidelines covering drug and alcohol cases. Those guidelines mainly require, for two continuous years prior to reinstatement, documented attendance of support groups as well as random drug screening results showing sobriety or rehabilitation. The proposed action also requires entry into a substance abuse monitoring program after any future reinstatement with consequences including a five-year revocation upon default from such monitoring and a fine of \$4,000 prior to any subsequent reinstatement.

The licensee was convicted of public intoxication with drugs in 2013—which licensee failed to report on licensee’s 2013 renewal application—and then was convicted of driving under the influence in 2014. The licensee was then terminated in late 2014 from a long-term care facility for showing impaired behavior and for having removed controlled dangerous substances without documenting their administration or waste. Shortly afterward, licensee entered substance abuse monitoring but defaulted from the program.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to deny licenses or impose discipline when licensees show an “inability to practice nursing with . . . safety due to impairment caused by . . . use of alcohol, drugs, chemicals, or any other substance” as well as when licensees default from substance abuse monitoring, 59 O.S.Supp.2015, § 567.8(B)(5), (11). The Act also authorizes discipline when a licensees engage in material misrepresentation when renewing a license. *See id.* § 567.8(B)(1)(A). The action seeks to enforce these requirements, which ensure that nurses provide safe nursing care not compromised by drug or alcohol abuse. Given licensee’s record of substance abuse, it is entirely reasonable for the Board to require evidence of a substantial, continuous period of sobriety and rehabilitation before allowing licensee to practice again and then to impose additional substance abuse monitoring with further deterrent consequences upon a future relapse.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that these actions advance the State of Oklahoma's policy to protect patients from compromised nursing care.

A handwritten signature in black ink, appearing to read "Scott Pruitt". The signature is written in a cursive, flowing style with some loops and flourishes.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA