



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-87A

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 in Board case 3.263.16. The proposed action is to revoke the license for two years and to require adherence to the Board's Guidelines for Individuals Requesting Reinstatement after Suspension, Surrender or Revocation for Misappropriation or Misuse of Drugs/Alcohol. The guidelines mandate drug screening, support group attendance, and other substance-abuse-related requirements. The licensee must also pay fines and costs totaling \$6,038.05 before reinstatement. The licensee removed drugs on at least eight occasions without documenting their waste or administration. The licensee then did not appear at or respond to notice about an investigative conference concerning the matter.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses' inadequate care "unnecessarily exposes a patient or other person to risk of harm," when they are guilty of "unprofessional conduct as defined in the rules of the Board," and when they are "guilty of any act that jeopardizes a patient's life, health or safety," 59 O.S.Supp.2015, § 567.8(B)(3), (7), (8). The Board's rules define "unprofessional conduct" to include several forms of misconduct involving drugs as well as failing to cooperate with investigations. *See* OAC 485:10-11-1(b)(3)(C), (D), (T), (U), (V). The action seeks to enforce these rules by barring the licensee from practice and requiring a showing that licensee does not have a substance abuse disorder. Given the licensee's failure to appear and the context, 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 that reads "E. Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA