



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-458A

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

August 5, 2016

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 pursuant to a consent agreement in Board case 3.298.16. The proposed action is to temporarily suspend the license pending the licensee's admission into the Board's Peer Assistance Program, a drug and alcohol assistance program. If the licensee is not accepted into the program or fails to successfully complete the program, the license will be revoked for two years and a \$500 fine will be imposed. The licensee submitted to a for-cause drug screen and tested positive for marijuana while working in a long-term care center. The licensee also failed to timely administer physician-ordered pain medication to two residents.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “unnecessarily exposes a patient or other person to risk of harm” or is “intemperate in the use of alcohol or drugs, which use the Board determines endangers or could endanger patients,” 59 O.S.Supp.2015, § 567.8(B)(3), (4). The action seeks to enforce requirements aimed at ensuring patients receive adequate nursing care, including receiving physician-ordered pain medications in a timely manner. The action also seeks to protect patients from a nurse who tested positive for marijuana at work. The Board may reasonably believe that temporarily suspending the license, under the conditions detailed above, will protect patients from inadequate or compromised nursing 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 nurses adhere to a minimum standard of care not compromised by substance abuse.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA