



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-705A

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 3.149.17. 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 severely reprimanded and a \$1,000 fine will be imposed. The licensee failed to report a 2009 misdemeanor charge of obtaining labor or personal services by bogus check in three license renewal applications. In addition, the licensee displayed impaired behavior while working in a hospital including slurred speech, delayed actions, and eyelids appearing heaving. A subsequent drug test was positive for Benzodiazepines. The licensee was terminated from the hospital and admitted to have taken Xanax without a prescription but has denied 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 deceit or material misrepresentation in procuring or attempting to procure” a license, “is guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee,” “fails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “exposes a patient or other person to risk of harm,” is “guilty of unprofessional conduct,” or “is guilty of any act that jeopardizes a patient’s life, health or safety,” 59 O.S.Supp.2016, § 567.8(B)(1)(a), (2), (3), (7), (8). Unprofessional conduct includes “falsifying documents submitted to the Board of Nursing.” OAC 485:10-11-1(b)(3)(E). Conduct which jeopardizes a patient's life, health or safety includes “failure to utilize appropriate judgment in administering safe nursing practice.” OAC 485:10-11-1(b)(4)(D).

The Board’s applications require the disclosure of all criminal history so that the Board may make an informed decision on licensure of individuals with statutorily relevant criminal histories. The action enforces requirements that information provided in applications is accurate. The action further enforces requirements ensuring nursing care is not compromised by substance abuse. The Board may reasonably believe that the proposed action is necessary to deter future violations.

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 that information in applications is truthful and complete and that nurses provide adequate patient care.



E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA