



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-77A

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 pursuant to a consent agreement in Board case 3.286.16. The proposed action is to accept the application to sit for the licensed practical nurse exam but to require the applicant to undergo body fluid testing until a substance abuse evaluation can be completed. The applicant has a criminal history with at least six alcohol-related offenses and omitted all criminal convictions from the application except for two recent convictions.

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,” 59 O.S.Supp.2015, § 567.8(B)(5). The Act also authorizes discipline where licensees falsify application materials, including by omitting required information. *Id.* § 567.8(B)(1)(a). The action seeks to enforce these requirements, which ensure that the Board has accurate and sufficient information to make licensing decisions and that nurses provide safe nursing care not compromised by drug or alcohol abuse. A substance abuse evaluation will help the Board determine whether additional steps are necessary to ensure the applicant does not provide 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 against compromised nursing care.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA