



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-70A

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

October 15, 2015

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency actions that the Oklahoma Board of Nursing intends to take pursuant to a settlement agreement in Board case 3.167.16. The proposed action is to accept the voluntary surrender of the nurse's license for one year and require entry into the Peer Assistance Program, a drug and alcohol treatment program, upon reinstatement. Failure to enter or default from the program after reinstatement will automatically result in a two-year license revocation and a \$6,000 fine assessed before any further reinstatement. The licensee failed to disclose criminal history in past license renewal applications to the Board, was convicted of felony fraud involving obtaining controlled dangerous substances in 2014, and was diverting drugs from a place of employment for several months during 2014.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2014, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses apply for licenses with deceit or material misrepresentations, 59 O.S.Supp.2014, § 567.8(B)(1)(a). The Act also authorizes discipline when a nurse is "intemperate in the use of alcohol or drugs, which use the Board determines endangers or could endanger patients." *Id.* § 567.8(B)(4). The action here seeks to protect the safety of the public from compromised nursing care involving the diversion of drugs and falsified documents by preventing the licensee's participation in the nursing profession for a year. The Board may believe that monitored drug and alcohol treatment in the future will allow this professional to continue practicing nursing, however.

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.

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