



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-476A

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 3.036.17. The proposed action is to grant the application for reinstatement of the license but suspend the license pending an evaluation for substance use disorder. The licensee will also be required to submit to body fluid testing twice per month. Violations connected to the body fluid testing will cause the license to remain suspended. The licensee must also complete a nursing law course and pay a \$500 fine. Any violations of the general provisions of the order will result in suspension of the license for three months and additional fines. The licensee pled guilty to possessing methamphetamines, driving under the influence of alcohol or drugs, and attempting to elude police. Subsequently, the licensee successfully completed a drug court program.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “[i]s guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee,” is “guilty of unprofessional conduct,” or has violated state or federal statutes or regulations relevant to the practice of nursing. 59 O.S.Supp.2015, § 567.8(B)(2), (7), (9). Unprofessional conduct includes “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(H). The action seeks to enforce requirements that the Board consider relevant criminal history when evaluating the fitness of a nurse. The Board may reasonably believe that the disciplinary action is necessary to ensure substance abuse problems do not compromise 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.

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

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA