



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-171A

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

November 18, 2015

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 an agreement in Board case 3.131.16. The proposed action is to lift the licensee's temporary suspension and order additional drug testing. The licensee, under a drug testing order, failed to submit to body fluid testing on November 3, 2015, after which the license was temporarily suspended pursuant to an existing Board order.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse is "intemperate in the use of alcohol or drugs" in a way that could endanger patients and when a nurse fails to comply with an order of the Board, 59 O.S.Supp.2015, § 567.8(B)(4), (9). The action stems from underlying concerns about the intemperate use of alcohol or drugs and also involve noncompliance with Board orders. Requiring additional drug testing to fulfill the purpose of those prior Board orders will advance the goal of monitoring for the use of drugs or alcohol and thus assessing any potential danger the licensee pose to patients.

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 patient health, safety, and welfare.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA