



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-502A

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 10.012.17. The proposed action is to grant the application for licensure by examination. In the event the applicant passes the examination, the applicant must submit to an evaluation to assess substance use and must also submit to body fluid testing twice per month. Any violations connected to the body fluid tests will result in the immediate, temporary suspension of the license. The applicant will also be required to complete a course in nursing law. Failure to comply with the primary provisions of the order will result in a three month suspension of the license and additional fines. The applicant pled no contest to a February 2014 charge of driving under the influence (“DUI”) while under age 21 and pled guilty to December 2014 charges of public intoxication and transporting opened container of beer.

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,” 59 O.S.Supp.2015, § 567.8(B)(2). 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 by ensuring nurses may provide adequate care to patients.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA