



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-518A

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

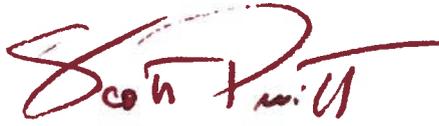
August 11, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken under the auspices of the Oklahoma Board of Nursing in Board case 6.027.16. Under a consent agreement, the licensee will voluntarily surrender the license. Upon reinstatement, the licensee must enter the Board's Peer Assistance Program, a drug and alcohol assistance program. If the licensee is not accepted into or defaults from the program, the license will be revoked for two years and a \$1,500 fine will be imposed. The licensee was called into work on a day off after the hospital received a report that the licensee used heroin on personal time. A for-cause drug-screen tested positive for cocaine and morphine, and the licensee was terminated from the hospital.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes agreed disciplinary orders accepting the voluntary surrender of a license, 59 O.S.Supp.2015, § 567.4(F)(3)(d). The Act elsewhere authorizes the Board to impose discipline when nurses are “guilty of unprofessional conduct,” commit “any act that jeopardizes a patient’s life, health or safety,” or violate state or federal law related to nursing, 59 O.S.Supp.2015, § 567.8(B)(7), (8), (9). Conduct which jeopardizes a patient’s life, health or safety includes “[f]ailure to utilize appropriate judgment in administering safe nursing practice or patient care.” OAC 485:10-11-1(b)(4)(D). Nurses who use illegal drugs demonstrate poor judgement. Further, even if illegal drugs are used off work, lingering effects may impact patient care. The action seeks to ensure that a nurse receives treatment for drug use, while achieving the public health goal of protecting patients from compromised nursing care. The Board could reasonably believe that accepting the voluntary surrender of the license, and requiring drug treatment upon reinstatement, will protect 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 that nurses observe minimum standards of care and professionalism.



E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA