



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-56A

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 in Board cases 3.188.16, 3.198.16, 3.199.16, 10.036.16, and 10.043.16. The proposed actions are to require applicants to take nursing licensure exams to complete nursing law courses and two submit to twice-per-month alcohol and drug testing until an alcohol and drug treatment evaluation can be conducted and reviewed by the Board in each case. The applicant in case 3.188.16 has a criminal history including violent conduct and public intoxication. The applicant in case 3.198.16 has a criminal history including violent conduct and drive under the influence. The applicant in case 3.199.16 has a criminal history including evading arrest and minor in consumption (from 2015). The applicant in case 10.036.16 has a criminal history including driving under the influence, the latest from 2014. The applicant in case 10.043.16 has a criminal history including public intoxication offenses, the latest from 2014.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2014, §§ 567.1–567.20, authorizes the Board to impose discipline for nurses who are “intemperate in the use of alcohol or drugs, which use the Board determines endangers or could endanger patients.” 59 O.S.Supp.2014, § 567.8(B)(4). Each applicant has a criminal history showing potential alcohol and drug abuse problems. The actions seek to prevent patients from receiving compromised nursing care because of alcohol and drug abuse by nurses. The action seeks to provide screening and, eventually, treatment rather than merely barring applicants for the nursing profession.

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".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA